



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
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MILLINGTON TN 38055-0000

1640
Ser 00D1/037
15 Mar 11

From: Commander, Navy Personnel Command (PERS-00D)
To: Distribution

Subj: PROCESSING ABATEMENT FOR MANDATORY SUPERVISED RELEASE (MSR)
CASES WHERE SERVICE CLEMENCY AND PAROLE BOARDS (C&PB) DETERMINE
UNACCEPTABLE MSR PLANS

Ref: (a) Memorandum of Understanding among Department of Defense
Service Clemency and Parole Boards and Corrections
Headquarters Agencies of 2 Mar 06
(b) DoD Instruction 1325.7
(c) SECNAVINST 1640.9C
(d) CNPC ltr 1640 Ser 00D1/084 of 1 Jun 09

Encl: (1) CO's Letter to Prisoner for Abatement Forfeitures

1. Purpose. Provide clarifying guidance on processing mandatory supervised release (MSR) cases where Service Clemency and Parole Boards (C&PB) determine unacceptable MSR plans.

2. Background

a. Reference (a) established procedures for the administration and management of parole and MSR, including cases where a Service C&PB directs suspension, revocation, return of a military offender to confinement, or determination that a prisoner's MSR plan is unacceptable. The provisions of reference (a) are to be incorporated into revision of reference (b).

b. Per reference (a), in cases where the Service C&PB determines that a prisoner's MSR plan is unacceptable:

(1) For prisoners who have an approved finding of guilt for offenses that occurred after 1 October 2004, abatement (good conduct time (GCT), earned time (ET), special acts abatement (SAA)) is conditioned on an acceptable release plan and will not be awarded until such a plan is accepted. No Discipline and Adjustment (D&A) Board is required to void credit of the abatement (through administrative forfeiture in the Corrections Management Information System (CORMIS) is required) as such abatement is held in abeyance (i.e., not awarded).

(2) For prisoners who have an approved finding of guilt for an offense that occurred on or after 16 August 2001, but on or before 1 October 2004, a D&A Board is a required process for forfeiture of abatement. Failure to prepare an acceptable MSR plan is tantamount to disobedience per article 5104.17 of references (c) and (d).

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3. Procedures

a. Conditioned abatement cases (paragraph 2b(1), above).

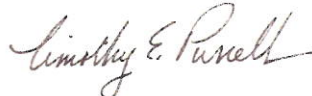
Enclosure (1) provides an example of a letter used to inform prisoners of the voided abatement process and document the related action. Confinement facility commanders shall provide prisoners with a similar letter to document the administrative forfeiture of all earned and future abatement, cancel out abatement within CORMIS, and counsel the prisoner.

b. Unconditioned abatement cases (paragraph 2b(2), above).

Confinement facility commanders shall process a Disciplinary Report for disobedience and convene a D&A Board. Administrative evidence includes the Service C&PB fault determination. Although disobedience is a Category III offense, actions exceeding Category III [forfeiture of abatement] parameters are authorized in such cases per article 5102.8(1) of reference (c). All actions shall be documented within CORMIS.

c. In either case, if a prisoner later provides an acceptable MSR plan approved by a USPO, abatement will be administratively credited or restored in order to allow the release of the prisoner to MSR. The release shall be prompt, within a reasonable amount of time in order to complete any required administrative processes. In most cases, this should not exceed one week from the date of brig receipt of notification of U.S. probation officer or Service C&PB approval.

3. Point of Contact (POC). POC for further information is the undersigned, available at (901) 874-4452, timothy.purcell1@navy.mil.



T. E. PURCELL
By direction

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1640
Ser 00/
DD MMM YYYY

From: Commanding Officer
To: Post-trial Prisoner (LNAME, FNAME, MI), Service, RCN

Subj: VOIDING OF CONDITIONALLY AWARDED GOOD CONDUCT TIME (GCT),
EARNED TIME (ET), AND SPECIAL ACTS ABATEMENT (SAA)

Ref: (a) USD(P&R) memo of 17 Sep 04 (Subj: Clarification of
DoD Policy on Abatement of Sentences to Confinement)
(b) DoD Instruction 1325.7
(c) Memorandum of Understanding among Department of Defense
Service Clemency and Parole Boards and Corrections
Headquarters Agencies of 2 Mar 06
(d) SECNAVINST 1640.9C
(e) Service, Clemency and Parole Board ltr to Prisoner LNAME
of DD MMM YYYY
(f) Service Clemency and Parole Board ltr to Prisoner LNAME
Name of DD MMM YYYY
(g) Prisoner Acknowledgement of Conditional Award of Abatement
Time of DD MMM YYYY

1. Per paragraphs A2.1.2, A3.4.2 and A4.1.2 of reference (a), for prisoners who have an approved finding of guilty for an offense that occurred after 1 October 2004, the award of GCT, ET and SAA is conditioned on a prisoner submitting an acceptable release plan and fully cooperating in all other respects with the mandatory supervision policy of reference (b). Per paragraph 3c(1) of reference (c), correctional facility commanders shall not award abatement until an acceptable release plan is accepted by the Service Clemency and Parole Board (C&PB). Per article 9301.1 of reference (d), prisoners who have an approved finding of guilty for an offense that occurred after 1 October 2004 shall acknowledge in writing during facility in-processing the award of GCT, ET or SAA is conditioned on the prisoner submitting an acceptable release plan and fully cooperating in all other respects with the mandatory supervision policy of reference (b), if directed to do so. If the confinement facility commander determines, via the Service C&PB, that this condition has not been met, deductions from the prisoner's release date for conditionally awarded GCT, ET and SAA shall be voided.

2. Per reference (e), the Service C&PB directed your placement on Mandatory Supervised Release (MSR). You have not provided an acceptable release plan approved by a United States Probation Officer (USPO). Per reference (f), the Service C&PB found you at fault for not providing an acceptable release plan.

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3. Per reference (g), you acknowledged that you have been informed and understand that the award of GCT, ET and SAA is conditioned upon you submitting an acceptable release plan and agreeing to the conditions of MSR.

4. Per references (a) through (d), the deductions from your release date for conditionally awarded GCT, ET and SAA to date are hereby voided. You may continue to accrue GCT, ET, or SAA, but you shall not be awarded any such abatement until you comply with all requirements of MSR.

COMMANDING OFFICER

Prisoner's signature: _____ Date: _____

Prisoner's name: _____ Date: _____

Copy to:
NAVCONBRIG P&R Dept (for prisoner's parole file)